

AMENDED IN SENATE JUNE 27, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 23, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1119

Introduced by Assembly Member Wesson

February 21, 2003

An act to add Title 4.7 (commencing with Section 13630) to Part 4 of the Penal Code, relating to law enforcement agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 1119, as amended, Wesson. Law enforcement agencies.

Existing law generally regulates the duties and training of peace officers in connection to their employing agencies.

This bill would, commencing January 1, 2005, require local law enforcement entities employing more than 100 peace officers, as specified, to implement an "Early Intervention System," as described. ~~The bill would also require annual reporting by the law enforcement agencies to the Attorney General regarding their Early Intervention Systems, as specified.~~

By requiring local law enforcement agencies to implement this program, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide

and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Title 4.7 (commencing with Section 13630) is added to Part 4 of the Penal Code, to read:

TITLE 4.7. LAW ENFORCEMENT AGENCY PROGRAMS

13630. (a) For the purpose of this section, an Early Intervention System is a proactive, nondisciplinary system intended to enhance awareness by employees, managers, and supervisors of potential employee issues before they become so serious that they require discipline or cause liability.

(b) (1) Commencing January 1, 2005, every local law enforcement agency employing more than 100 peace officers, as defined in subdivision (a) of Section 830.1, shall develop, in consultation with the peace officer employee organization, regulations for an Early Intervention System establishing procedures and responsibilities for the tracking and review of reportable incidents and behavior patterns of peace officers that warrant intervention. The system shall provide an array of timely, nondisciplinary, corrective steps to remedy any incipient problems or deficiencies in a peace officers officer's performance, policy, strategy, or tactics.

(2) The Early Intervention System shall not be used as a disciplinary measure nor shall it prevent the department from administering discipline.

(c) The Early Intervention System established pursuant to this section should provide for a computerized system and shall rely on a number of reportable incidents in determining which officers demonstrate patterns of behavior that necessitate early intervention. The reportable incidents shall include, but are not

1 limited to, the following information in determining which
2 officers are identified for participation in the Early Intervention
3 System:

4 (1) Use of force incidents.

5 (2) Citizen complaints ~~and inmate complaints~~, including the
6 nature of the allegations.

7 (3) Internally generated complaints including the nature of
8 allegations.

9 (4) Disciplinary actions taken.

10 (5) Civil suits or tort claims related to the peace officer's
11 employment.

12 (6) Criminal arrests and charges against members or
13 employees.

14 (7) Sustained allegations of violations of department policy.

15 (d) Each local law enforcement agency, as described in
16 subdivision (b), shall develop guidelines for determining, based on
17 the information listed in subdivision (c), which officers are
18 appropriate subjects for intervention. The guidelines shall provide
19 a formula for appropriate intervention based on a peace officer
20 receiving a specified number or combination of reportable
21 incidents, as listed in subdivision (c), within a certain time period
22 ~~not to exceed an 18-month period~~ *of no less than six months*. The
23 formula shall be tailored and refined to address peace officer issues
24 specific to each law enforcement agency.

25 (e) The regulations developed by the agency for the system
26 shall require supervisors to review and analyze, on at least a
27 quarterly basis, Early Intervention System information to detect
28 any individual or unit patterns of behavior that may require
29 intervention.

30 (f) Officers who are identified by the Early Intervention
31 System shall receive intervention, which may include, but is not
32 limited to:

33 (1) Retraining that corresponds to each officer's specifically
34 identified needs.

35 (2) Modification of the employee's working conditions or
36 assignment to the extent that the modification is within the
37 authority of the peace officer's commanding officer.

38 (3) Referral of the employee to the department's Peer
39 Counseling Program or other counseling program that may be
40 applicable.

(4) Referral of the employee to the department's contract psychologist, the Peace Officer Association contract psychologist or a psychologist chosen by the peace officer for counseling at the department's expense.

(g) Individually identifiable Early Intervention System information shall be maintained by the agency for the duration of an officer's employment and at least five years thereafter. Information necessary for aggregate statistical analysis shall be maintained indefinitely.

(h) The information regarding individual officers maintained by the agency as a result of this section shall be deemed personnel records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and Section 1043 of the Evidence Code. *However, this section is not intended to convert otherwise public information into personnel records through their inclusion in the Early Intervention System.*

(i) The information about any individual peace officer collected pursuant to this section shall be available at any time to that peace officer.

~~(j) In order to assist in the development of best practices in Early Intervention Systems, each law enforcement agency shall report to the Attorney General on an annual basis, to commence no earlier than one year following institution of the agency's Early Intervention System. The report shall include the development of the Early Intervention System, the formula devised for intervention, and the remedial steps undertaken pursuant to this section for the reported year. The report shall not identify any particular peace officer who was or is subject to intervention. The report shall be a public record.~~

~~(k)–~~

(j) Nothing in this section shall be construed to prohibit an agency employing fewer than 100 peace officers from developing or maintaining an Early Intervention System.

~~(l)–~~

(k) Nothing in this section is intended to replace an agency's existing Early Intervention System *which tracks information equivalent to or greater than that listed in subdivision (c).*

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this

1 act contains costs mandated by the state, reimbursement to local
2 agencies and school districts for those costs shall be made pursuant
3 to Part 7 (commencing with Section 17500) of Division 4 of Title
4 2 of the Government Code. If the statewide cost of the claim for
5 reimbursement does not exceed one million dollars (\$1,000,000),
6 reimbursement shall be made from the State Mandates Claims
7 Fund.

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